

LABOR, WORKFORCE & AFFORDABLE HOUSING COMMITTEE

OF THE

Suffolk County Legislature

Minutes

A regular meeting of the Labor, Workforce & Affordable Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on August 16, 2006.

Members Present:

Legislator Kate Browning • Chairperson
Legislator Jack Eddington • Vice•Chair
Legislator Vivian Vilorio•Fisher
Legislator Thomas Barraga
Legislator Lynne Nowick

Also In Attendance:

George Nolan • Counsel to the Legislature
Ian Barry • Assistant Counsel to the Legislature
Michael Cavanaugh • Aide to Presiding Officer Lindsay
Carl Yellon • Aide to Legislator Kennedy
Paul Perillie • Aide to Majority Leader
Greg Moran • Aide to Legislator Nowick
Renee Ortiz • Chief Deputy Clerk/SC Legislature

Robert Lipp • Budget Review Office
Jill Moss • Budget Review Office
Jim Dahroug • County Executive Assistant
Brian Bielanski • County Executive's Office
Marian Zucker • Director of Affordable Housing Division • Department
of Economic Development & Workforce Housing
Dennis Brown • County Attorney's Office
Mike Sharkey • President/Deputy Sheriff's Benevolent Association
Jeff Tempera • Director/Labor Relations
Kris Chayes • Suffolk County Civil Service
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 2:02 PM*)

CHAIRPERSON BROWNING:

I would like to call to order the Labor, Workforce & Affordable Housing Committee and we'll start with the Pledge of Allegiance led by Legislator Barraga.

Salutation

Okay. We have no cards? Okay, I guess we have no cards, so we shall begin with the agenda. Okay, we'll start with the agenda.

Tabled Resolutions

1884•06 •• and no presentations either •• Adopting Local Law No. 2006, a Local Law to ensure payment of fair wages and enforcement of job site safety standards on public projects (Introduced by

Presiding Officer on Request of the County Executive & Legislator Eddington).

Do I have a motion?

LEG. VILORIA • FISHER:

Motion to table.

LEG. NOWICK:

Did we have the public hearing?

CHAIRPERSON BROWNING:

We had the public hearing.

LEG. VILORIA • FISHER:

Is it closed?

CHAIRPERSON BROWNING:

The public hearing is closed.

LEG. VILORIA • FISHER:

I'd like to make a motion to table.

LEG. NOWICK:

Second.

CHAIRPERSON BROWNING:

Would anyone like to speak on the motion?

LEG. EDDINGTON:

I would like to have an explanation.

CHAIRPERSON BROWNING:

Legislator Eddington.

LEG. VILORIA • FISHER:

Counsel is not here.

CHAIRPERSON BROWNING:

Yeah, where is he?

MR. PERILLIE:

I'll go get him.

LEG. VILORIA•FISHER:

Can we go back to this, Madam Chair?

CHAIRPERSON BROWNING:

Okay, so we'll go ahead and move on while we're waiting for Counsel.

Introductory Resolutions

1906•06 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Incorporated Village of Patchogue, Town of Brookhaven for affordable housing purposes (SCTM No. 0204•004.00•06.00 •008.000) (County Executive).

Do I have a motion?

LEG. EDDINGTON:

Motion to approve.

CHAIRPERSON BROWNING:

Motion to approve. And a second?

LEG. VILORIA•FISHER:

I'll second, but on the motion, I just wanted to ask ••

CHAIRPERSON BROWNING:

On the motion; Marian?

DIRECTOR ZUCKER:

I was debating whether you wanted to hear from me or not.

LEG. VILORIA•FISHER:

Is this our big Patchogue Village project, is this more of it or is this a different area?

DIRECTOR ZUCKER:

No, it's not part of the Cover Beach Village, it's a separate stand-alone house that the village intends to renovate and sell to a first-time home buyer.

LEG. VILORIA FISHER:

Oh, so it's the village doing it, not a not-for-profit working with the ••

DIRECTOR ZUCKER:

Yeah, the Village of Patchogue, when they've taken properties from us in the past, have actually done the work themselves through their Public Works Department.

LEG. VILORIA FISHER:

Oh, terrific. Okay, thank you, Marian. You may as well stay.

CHAIRPERSON BROWNING:

Marian, do you want to stay? Because I know we've got a couple of them. Can we go ahead and have her just go ahead and speak on each of these or ••

LEG. VILORIA FISHER:

We have to call the vote on 1906.

CHAIRPERSON BROWNING:

Okay.

LEG. VILORIA FISHER:

We have a motion to approve.

CHAIRPERSON BROWNING:

Okay, the next one is ••

MS. ORTIZ:

You have to call the vote on 1906.

LEG. VILORIA•FISHER:

Well, you have to call the vote on 1906 first.

CHAIRPERSON BROWNING:

Okay. Motion to approve and second was •• right? All in favor? Opposed? Abstentions? Okay, motion carries. **Approved**
(VOTE: 5•0•0•0).

IR 1907•06 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200 •973.80•01.00•026.000) (County Executive). Can we have the same motion, same second?

LEG. VILORIA•FISHER:

Same vote.

CHAIRPERSON BROWNING:

Marian, can you •• I'm interested in this because it does say North Bellport and Shirley.

DIRECTOR ZUCKER:

Yeah, this is property, there's actually several in North Bellport that are moving forward today that have been in the pipeline for quite a while. This is part of the program that the Town of Brookhaven and the County of Suffolk have been working on with CDC where we transfer rundown houses to CDC that are going to •• I'm sorry, renovate the house and use it in their Section 8 Homeownership Program. We've seen one move through before, there's a second and third on today's agenda.

CHAIRPERSON BROWNING:

So these are all for the purpose of homeownership?

DIRECTOR ZUCKER:

Yes.

CHAIRPERSON BROWNING:

Okay. So I had a motion and a second. All in favor? Opposed?

Abstentions? Okay, motion carries. **Approved (VOTE: 5•0•0•0).**

The next one, ***IR 1910•06 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200•035.00•04.00•004.000) (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5•0•0•0).**

IR 1911•06 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200 •959.00•02.00•032.000) (County Executive). Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5•0•0•0).**

IR 1913•06 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200 •973.80•04.00•020.000) (County Executive). I have the same motion, same second. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE: 5•0•0•0).**

DIRECTOR ZUCKER:

Thank you.

CHAIRPERSON BROWNING:

Okay, thank you.

IR 2004•06 • Authorizing the County Executive to execute an agreement with Suffolk County Deputy Sheriff's Benevolent Association, covering the terms and conditions of employment for the period January 1, 2006 through December 31st, 2007 (County Executive). I have •• Mr. Sharkey, you're here; would you like to come up and speak on that?

DIRECTOR MARTELL:

If he said no, it's okay.

LEG. VILORIA•FISHER:

Jeff Tempera is here.

CHAIRPERSON BROWNING:

Okay. We'll make a motion?

LEG. VILORIA•FISHER:

I'll make a motion.

CHAIRPERSON BROWNING:

Motion, Legislator Viloria•Fisher.

LEG. NOWICK:

Second.

CHAIRPERSON BROWNING:

Second by Legislator Nowick. On the motion, do you want to ••

DIRECTOR MARTELL:

Come on up.

MR. SHARKEY:

I think I've spoken to most of you individually on this and I just request your support of this resolution.

CHAIRPERSON BROWNING:

Okay.

DIRECTOR MARTELL:

And good afternoon, Jeff Tempera, Director of Labor Relations. Again, anybody has any questions, both Mike and I are here to answer any questions that you may have.

CHAIRPERSON BROWNING:

Okay, thanks. So no questions? Okay, we had a motion and a second. All in favor? Opposed? Abstentions? Okay, motion carries.

Approved (VOTE: 5•0•0•0).

DIRECTOR MARTELL:

Thank you.

MR. SHARKEY:

Thank you.

LEG. VILORIA•FISHER:

Congratulations.

CHAIRPERSON BROWNING:

IR 2009•06 • Amending the Suffolk County Classification & Salary Plan in connection with a new position title in the Department of Health Services (Director of Services to Children with Special Needs) (County Executive). Do I have a motion? I'll make a motion.

LEG. EDDINGTON:

Second.

CHAIRPERSON BROWNING:

Second by Legislator Eddington. All in favor? Any ••

LEG. VILORIA•FISHER:

I just have a question.

CHAIRPERSON BROWNING:

Okay. Sorry, go ahead.

MS. CHAYES:

I can answer any questions.

LEG. VILORIA•FISHER:

Okay. This is a new position and it's a different level, a different grade level; it had previously been 29 and now it's 32?

MS. CHAYES:

Thirty-two. There was a desk audit, this individual's duties and responsibilities had increased over the years to include budgeting and she oversees a large staff that is comparable to a small department, in essence. Basically, as our backup notes •• by the way, I'm from Civil Service, Kris Chayes from Civil Service. The duties went way beyond the scope of what her current title is, and that's Coordinator of Special Education, because she now has responsibility for providing quality assurance and program oversight, interpreting State regs, preparing the division budget of approximately \$176 million, she reports to the Commissioner on the impact of the State budget, things that put it way far and above the title that this incumbent had of Coordinator of Special Ed. So it did merit a different title at a much higher •• not that much higher, but a few grades higher to grade 32; it works out to two dollars and change more per hour.

LEG. VILORIA • FISHER:

And if I'm not mistaken, does this also cover that early intervention programs?

MS. CHAYES:

That's my understanding, that's part of the duties and responsibilities.

LEG. VILORIA • FISHER:

And I know that that really has been growing tremendously.

MS. CHAYES:

Absolutely.

LEG. VILORIA • FISHER:

And so I think it would certainly warrant this kind of desk audit review. Thank you. I was just curious as to whether it was that particular program because I have seen how much that's grown. Thank you.

MS. CHAYES:

Thank you.

CHAIRPERSON BROWNING:

Thank you. So we made a motion and a second. All in favor? Opposed? Abstentions? Okay, motion carries. **Approved (VOTE: 5•0•0•0).**

IR 2011•06 • Approving the appointment of Thomas P. Cleere as a member of the Suffolk County Public Employment Relations Board (County Executive). Is he here?

MR. CLEERE:

Yes.

CHAIRPERSON BROWNING:

Would you like to come forward?

MS. PEARSALL:

Good afternoon. Elizabeth Pearsall from the •• I'm the Director of the PERB for Suffolk County. And this is Thomas P. Cleere and he is the candidate, and on my right I have the Counsel for the PERB.

MR. { NANESS } :

Jeffrey { Naness } .

CHAIRPERSON BROWNING:

Anybody have any questions?

LEG. VILORIA•FISHER:

Can he tell us a little bit about himself?

CHAIRPERSON BROWNING:

You want to tell us a little bit about yourself?

MR. CLEERE:

Certainly. Again, my name is Tom Cleere, I'm an attorney, I have a law practice here in Ronkonkoma. I live in Smithtown, not far from here.

In 2004•2005, I served in Iraq as a Captain in the United States Army. Since then I have been practicing law, and I am a father, I have two little

girls. Prior to that, I had been a •• prior to being deployed to Iraq, I had been an Assistant District Attorney here in Suffolk County. That's the long and the short of it, I suppose.

CHAIRPERSON BROWNING:

Okay. Legislator Vilorio•Fisher has a question.

LEG. VILORIA•FISHER:

Hi, Tom. Good to see you.

MR. CLEERE:

Nice to see you, Ma'am.

LEG. VILORIA•FISHER:

I just wanted to ask, do you have •• have you had any experience with employee relations and this kind of work at all?

MR. CLEERE:

Not in the traditional sense, I would think. But with respect to my duties as a JAG officer in the Army, we've dealt with a lot of issues with respect to Army labor, if you will, and some of the issues that are very, very similar to some of the things I think that we would be •• I would be encountering on the PERB.

CHAIRPERSON BROWNING:

Legislator Nowick.

LEG. VILORIA•FISHER:

Thank you, Tom.

LEG. NOWICK:

Is it at •• is this a position that's volunteer?

MS. PEARSALL:

The members of the board receive a per diem for each meeting, that's the extent, except for the Chairman.

LEG. NOWICK:

Well, I from the Town of Smithtown am very proud to have Tom come before us. We've met before and your background is exemplary. Thank you for being part of this. Thank you for serving the United States and I'm proud to support this.

MR. CLEERE:

Thank you for saying that, I appreciate that.

LEG. VILORIA•FISHER:

Is that a motion?

LEG. NOWICK:

I'll make a motion.

LEG. VILORIA•FISHER:

And I'll second it.

CHAIRPERSON BROWNING:

Okay, and second. Myself also, having a husband in the military, thank you, and a son. We have •• All in favor? Opposed? Abstentions? Okay, motion carries. ***Approved (VOTE: 5•0•0•0)***. Congratulations. Thank you.

MR. CLEERE:

Thank you very much. I appreciate it.

LEG. VILORIA•FISHER:

Thank you, Tom.

LEG. NOWICK:

Thank you.

MR. CLEERE:

Nice to see you all.

LEG. VILORIA•FISHER:

It's good to see you.

CHAIRPERSON BROWNING:

Okay. We have no Memorializing Resolutions, so motion to adjourn ••

LEG. VILORIA • FISHER:

We have to go back to the first one.

CHAIRPERSON BROWNING:

Did we miss •• oh, sorry. I forgot about that one.

LEG. VILORIA • FISHER:

Whoops.

CHAIRPERSON BROWNING:

Sorry, Lynne. This is not my fastest day, I guess. Okay, we're going back to Tabled Resolution ***1884 • 06 • Adopting Local Law No. 2006, a Local Law to ensure payment of fair wages and enforcement of job site safety standards on public projects (Introduced by Presiding Officer on Request of the County Executive & Legislator Eddington).*** Did we have a motion?

MS. ORTIZ:

We did have a motion to table.

LEG. VILORIA • FISHER:

I had a motion to table.

CHAIRPERSON BROWNING:

You had a motion to table, okay.

LEG. VILORIA • FISHER:

Seconded by Legislator Nowick.

CHAIRPERSON BROWNING:

Okay. And clarification, George.

MR. NOLAN:

What this law does is it is going to amend Chapter 143 of the Suffolk County Code which deals with disqualification of non•responsible bidders.

Right now the definition of a non•responsible bidder is somebody who has been convicted within the last ten years of certain crimes like extortion, coercion, bribery, theft, fraud, sabotage, things along those lines. This would extend the definition to include violations, any violation of the New York Labor Law, the County's Living Wage Law or any provision of State or Local Law protecting worker's safety.

Following the last meeting, I think there were concerns raised about the fact that some of the violations that would disqualify a bidder could be relatively minor. The law has been amended to add language stating that notwithstanding the foregoing, if the Commissioner finds that an entity has violated any provision of such law, the Commissioner may give due consideration to the size of the entity's business, the good faith of the entity, the gravity of the violation, etcetera, in making a determination whether or not a bidder is non•responsible.

I would point out that in making this amendment the law references the Commissioner, it doesn't define the Commissioner; you know, it's probably the Department of Public Works. That chapter uses the language of awarding agency throughout the chapter, so it wouldn't hurt to clean•up that language to clarify who we're talking about would be making that determination.

CHAIRPERSON BROWNING:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. You know, I have no problem with adding a word which could •• we could pass it and add that word, amend it. But I think what this is saying is that venial sins and mortal sins; I'm saying here that any sins will not be accepted when you're dealing with Suffolk County with labor.

So I have no problem, I won't be supporting the table resolution.

I think we have to get tough and if you think you're going to be banned for ten years for not following the fair wage laws, then maybe you'll start shaping up. So I'm going to be supporting this.

CHAIRPERSON BROWNING:

Okay? Do we still have a motion to table?

LEG. VILORIA • FISHER:

Well, there was another question and I wasn't certain if there was still a problem with that. I thought that the last time we met we talked about an issue of the time involved. If there had been an offense at one time and it was clarified, would that offense still deem a person to be a non•responsible bidder? I thought I remembered language, our discussion of that language.

And certainly, we want to make sure that anyone who is dealing with the County is providing a safe working environment for the workers. But I thought that there was a problem about being left out of the bidding process if someone had any kind of violation at any time, that there was not a time constraint. My memory may be serving me wrong.

MR. NOLAN:

Yeah, the time frame is ten years, it goes back ten years. If you had a violation within the last ten years and you're determined to be a non •responsible bidder, then you can •• you're not supposed to bid on those contracts, you're not permitted to.

LEG. VILORIA • FISHER:

Okay.

MR. NOLAN:

And that would be ten years going forward.

LEG. VILORIA • FISHER:

Okay. And in compliance, when there has been a safety problem •• I wish I had all my notes, I apologize, but I thought there were notes about compliance and how much ••

MR. NOLAN:

Well, I think there was a discussion whether or not there was a violation and then •• it was corrected.

LEG. VILORIA • FISHER:

Right.

MR. NOLAN:

But the language of the law states that any violation of a State or Local Law protecting worker's safety or any violation of the Living Wage Law or the State Labor Law could subject you to being disqualified.

LEG. VILORIA • FISHER:

And that there would be a judgment made at that time; wasn't that it? There would be a bidding process and then there would be some kind of adjudication ••

MR. NOLAN:

What generally what happens is ••

LEG. VILORIA • FISHER:

•• if you were considered maybe to be on the fringe or somebody who had a problem.

MR. NOLAN:

Right. There's •• the County Attorney I think explained that there's a disqualification hearing.

LEG. VILORIA • FISHER:

A hearing.

MR. NOLAN:

They have a hearing and I think it's typically the Commissioner of the Department of Public Works who holds those hearings to determine if somebody is, in fact, a non•responsible bidder. And the amendments that were made since the last hearing appears to give more discretion to the Commissioner.

You know, as I said, throughout the chapter it always uses awarding agency and now it says, just for this one paragraph, Commissioner, and I think that should be clarified in this law. It does state that he can take into consideration other factors as part of that hearing. So even though I still say the language that's been added is not the best, I think what they're trying to do is give more discretion to the Commissioner to weigh how serious was the violation, things like that, before somebody is disqualified.

LEG. VILORIA • FISHER:

Okay, so that they have addressed some of the questions that we had at the last meeting. Okay, I'm going to withdraw my tabling motion.

CHAIRPERSON BROWNING:

Okay. Do we have a motion approve?

LEG. EDDINGTON:

Motion.

CHAIRPERSON BROWNING:

Motion by Legislator Eddington. I'll ••

LEG. BARRAGA:

Second.

CHAIRPERSON BROWNING:

Okay, Legislator Barraga seconds that. All in favor? Opposed? Abstentions? Motion carries. ***Approved (VOTE: 5•0•0•0).***

And I would like to be a cosponsor on that also. Thank you.

So we have a motion to adjourn, second. I'm sorry, I'll make a motion, Jack Eddington makes the second. All in favor? Opposed. Abstentions? We're out of here.

(*The meeting was adjourned at 2:22 PM*)

***Legislator Kate Browning, Chairperson
Labor, Workforce & Affordable Housing***

{ } • Denotes Spelled Phonetically